

Before the
Administrative Hearing Commission
State of Missouri



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DEC 13 '96

STATE COMMITTEE OF
PSYCHOLOGISTS,

Petitioner,

vs.

DR. OTTIE LEON BRADSHAW,

Respondent.

No. 96-002544PS

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 1995, gives us jurisdiction.

On December 9, 1996, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. We find that the facts stipulated are true. We conclude that the licensee is subject to discipline under section 337.035.2(6),(13), and (15), RSMo 1986. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 1994.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3, cited above. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Committee v. Administrative Hearing Commission*, 700 S.W.2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on December 12, 1996.


SHARON M. BUSCH
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS,)	
)	
Petitioner,)	
v.)	Case No.
)	
DR. OTTIE LEON BRADSHAW,)	
)	
Respondent.)	

JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND
STATE COMMITTEE OF PSYCHOLOGISTS AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologist under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the psychologists license of Respondent for violations of statutes set forth below.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon her by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, Dr. Ottie Leon Bradshaw, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists ("Committee") is an agency of the state of Missouri, created and established for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.

2. Respondent is licensed by the Committee as a psychologist, license no. PY00353. Respondent's license is current and active, and was so at all times relevant hereto.

3. While in private practice of psychology, Respondent engaged in an inappropriate dual relationship with J. D. at the same time Respondent supervised J. D.'s post-masters supervisory experience from 1986 to 1988. J. D. was not a student at this time. ^{OR} ~~not~~

JOINT PROPOSED CONCLUSIONS OF LAW

4. Respondent's conduct as set forth in Count I violates 4 (effective December 11, 1983, and in effect through February 5, 1992) which provides:

(2) Responsibility. In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and

make every effort to ensure that their services are used appropriately.

...

(D) As member of governmental or other organizational bodys, psychologists remain accountable as individuals to the highest standards of their profession;

...

(F) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(4) Moral and Legal Standards. Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

...

(7) Welfare of the Consumer: Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. . .

(A) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and

dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(8) Professional Relationships: Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

5. Respondent's conduct as set forth violates Sections 337.035.2(6), (13), and (15) RSMo 1986, which provide:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

...

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

...

(13) Violation of any professional trust or confidence;

...

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

6. Cause exists for discipline against Respondent's psychologist license pursuant to Section 337.035.2(6), (13), and (15), RSMo 1986.

II

DISCIPLINARY ORDER

In light of the foregoing stipulation of facts, Respondent and the Committee hereby consent and agree to the following disciplinary action to be imposed against license number PY00353 effective the date the Administrative Hearing Commission enters its order. By this stipulation and agreed resolution, the State Committee of Psychologists and Respondent hereby resolve and dispose of all allegations of wrongdoing currently known to the Committee. The Committee agrees that no further disciplinary action is contemplated nor will be instituted against Respondent arising from allegations currently known to the Committee.

A. The Respondent's license is hereby suspended for two (2) years. The period of suspension shall be stayed and Respondent's license shall be placed on two (2) years probation effective the date this Agreement is fully executed. The following terms and conditions shall apply during the period of probation:

1. Respondent shall undergo one psychological evaluation by a licensed psychologist approved by the State Committee of

Psychologists. Within thirty (30) days of the effective date of this agreement Respondent shall submit a list of no less than five (5) proposed psychologists to conduct the evaluation. The Committee may approve a psychologist from this list or submit its own list for the Respondent to choose from. The Respondent must undergo the evaluation within thirty (30) days of the Committee's approval. A written evaluation shall be submitted by the evaluating psychologist to the State Committee of Psychologists within thirty (30) days of the evaluation being performed. It shall be Respondent's responsibility to ensure that the evaluation is submitted by the filing psychologist to the State Committee of Psychologists in a timely manner. The evaluating psychologist shall be released to discuss the purpose and methods of the evaluation with a representative of the State Committee of Psychologists prior to performing the evaluation.

2. Respondent must give the State Committee of Psychologists or its representative permission to review Respondent's personal treatment and/or medical records.
3. Respondent must seek ongoing treatment from a psychologist approved by the State Committee of Psychologists as reflected

in the findings of the initial clinical evaluation. The treating psychologist must be different from the psychologist performing the evaluation. It is Respondent's responsibility to ensure that Respondent's therapist reports to the State Committee of Psychologists every 3 months, in writing, Respondent's progress in therapy.

4. Respondent shall not see or treat any clients for a period of six (6) months. This period shall commence six (6) months from the date this agreement is fully executed such that Respondent shall have appropriate time to refer clients and terminate psychologist-client relationships without abandoning clients.
5. During the period of probation Respondent's work setting must be that of a group type practice, no solo practice.
6. Respondent must keep the State Committee of Psychologists appraised at all times, in writing, of Respondent's current home and work addresses and telephone numbers. Respondent must give the State Committee of Psychologists or its representative permission to review Respondent's personal treatment and/or medical records, resulting from this evaluation and any resulting counseling.

7. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
8. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated there and state and federal criminal laws.
9. Respondent must provide periodic reports of Respondent's compliance with this agreement every three (3) months.
10. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.
11. Respondent must inform Respondent's clients/patients that Respondent's work as a professional psychologist is under probation by the State Committee of Psychologists. Respondent must obtain written verification that each patient/client that Respondent treats, evaluates, or consults has been so informed.
12. Respondent may not serve as a supervisor for any post-masters degree psychological trainee, psychological intern, psychological resident, psychological assistant, or any person

undergoing supervision during the course of obtaining licensure as psychologist, professional counselor, or social worker, however, this does not in any way prohibit or exclude university teaching responsibilities.

- B. Nothing in this agreement shall prohibit Respondent from teaching in academic setting.
- C. Upon the successful completion of the period of probation, the Respondent's license as a psychologist in Missouri shall be fully restored, provided all provisions of this agreement and all other requirements of law have been satisfied.
- D. If, after a full hearing, the Committee determines that the Respondent has not successfully completed the conditions and terms of this agreement, the stayed suspension will be lifted and Respondent's license will be immediately suspended. During the suspension, Respondent must adhere to the following terms and conditions:
 - 1. Respondent shall submit all copies and originals of Respondent's psychologist license, wallhanging, and wallet certificate to the State Committee of Psychologists within 30 days of the suspension being imposed.

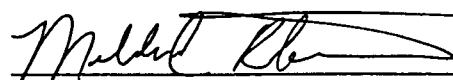
2. Respondent shall not engage in any acts which fall under the definition of the term psychology as set forth in Sections 337.015.3 and 337.015.4, RSMo 1994.
3. Respondent must seek ongoing treatment from a psychologist approved by the State Committee of Psychologists as reflected in the findings of the initial clinical evaluation. The treating psychologist must be different from the psychologist performing the evaluations. It is Respondent's responsibility to ensure that Respondent's therapist reports to the State Committee of Psychologist every month, in writing, Respondent's progress in therapy.
4. One hundred twenty (120) days prior to the expiration of the period of suspension the Respondent shall again submit a list of no less than five (5) psychologists proposed to conduct the second evaluation. Unless unusual circumstances exist, the psychologist conducting the first evaluation should be included on this list. No less than ninety (90) days before the expiration of the agreement, the Respondent must undergo an evaluation, the results of which will be reported to the State Committee of Psychologists no less than sixty (60) days prior to the expiration date of the agreement. It shall be the

Respondent's responsibility to ensure that the evaluation is submitted by the filing psychologist to the State Committee of Psychologists in a timely manner. The evaluating psychologist shall be released to discuss the purpose and methods of the evaluation with a representative of the State Committee of Psychologists prior to performing the evaluation.

5. Respondent must give the State Committee of Psychologists or its representative permission to review Respondent's personal treatment and/or medical records, resulting from this evaluation and any resulting counseling
6. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Licensee's current home and work addresses and telephone numbers.
7. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
8. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated there and state and federal criminal laws.

9. Respondent must provide periodic reports of Respondent's compliance with this agreement every three (3) months.
 10. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.
 11. Upon the successful completion of the period of suspension, the Respondent's license as a psychologist in Missouri shall be fully restored, provided all provisions of this agreement and all other requirements of law have been satisfied.
- D. If the State Committee of Psychologists determines that the Respondent has violated a term or condition of his discipline, or has otherwise failed to comply with the provision of Chapter 337, RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the Administrative Hearing Commission or a Circuit Court, the State Committee of Psychologists may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this agreement and its selection of remedies concerning such violation.


Dr. Ottie Leon Bradshaw Date

 12/2/96
Mildred Robertson Date
Executive Director

Kent Brown

Kent L. Brown Date
Carson & Coil, P.C.
515 E. High St.
Jefferson City, MO 65101

Attorneys for Respondent

Stephen R. Martin II 12/6/96 sem

Stephen R. Martin II Date
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102

Attorneys for Petitioner

Effective this 2nd day of December, 1996.
(effective date to be filled in by Executive Director)